

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 5 FORESTRY AND WILDLIFE

PART 2 WILDLIFE

CHAPTER 125

RULES REGULATING WILDLIFE

SANCTUARIES

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Historical Note: Chapter 125 of Title 13, Administrative Rules, is based substantially upon Regulation 15 [Eff. 9/24/51; am 3/28/58 and ren Regulation 2]; Regulation 13 [Eff. 6/27/47; am 3/28/58 and ren Regulation 7; am 10/12/78]; Regulation 37 [Eff. 3/30/74]; Regulation 38 [Eff. 3/30/74]; and Regulation 43 [Eff. 3/25/78] of the Division of Fish and Game, Department of Land and Natural Resources. [R SEP 2 8 1981]

§13-125-1 Purpose. The purpose of these rules is to conserve, manage, and protect indigenous wildlife in sanctuaries. [Eff. SEP 28 1981] (Auth: HRS §§183-2, 191-22, 195D-3, 195D-6) (Imp: HRS §§183-2, 191-22, 195D-3, 195D-4, 195D-5, 195D-6)

§13-125-2 Definitions. As used in these rules, unless context requires otherwise:

"Board" means the board of land and natural resources.

"Game birds" means those birds designated by law or administrative rule for hunting.

"Game mammals" means those mammals designated

by law or administrative rule for hunting.

"Wildlife" means any non-domesticated member of the animal kingdom, whether reared in captivity or not, including any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof. [Eff. SEP 28 1981] (Auth: HRS §§183-2, 191-22, 195D-3, 195D-6) (Imp: HRS §§183-2, 191-22, 195D-3, 195D-6)

§13-125-3 Designations of wildlife sanctuaries. (a) The board may declare and establish wildlife sanctuaries for the conservation, management, and protection of indigenous wildlife.

(b) The following state owned or controlled lands, surface water areas, islands, islets, and rocks, whose locations are described in "Chapter 125, Appendix 1, 3/30/81" located at the end of this chapter and by reference made a part hereof, are designated wildlife sanctuaries:

- (1) The Paiko Lagoon Wildlife Sanctuary, which is delineated in "Chapter 125, Exhibit A, 3/30/81" located at the end of this chapter and by reference made a part hereof;
- (2) The Kipuka Ainahou Nene Sanctuary, which is delineated in "Chapter 125, Exhibit B, 3/30/81" located at the end of this chapter and by reference made a part hereof;
- (3) The Kanaha Pond Wildlife Sanctuary, which is delineated in "Chapter 125, Exhibit C, 3/30/81" located at the end of this chapter and by reference made a part hereof; and
- (4) The Hawaii State Seabird Sanctuary. [Eff. SEP 28 1981] (Auth: HRS §183-2, 191-22, 195D-3, 195D-6) (Imp: HRS §§183-2, 191-22, 195D-3, 195D-4, 195D-5, 195D-6)

§13-125-4 Prohibited activities. (a) The

following activities are prohibited within wildlife sanctuaries, except for agents of the board and except as authorized by the board or its authorized representative:

- (1) To remove, disturb, injure, kill, or possess any form of plant or wildlife;
- (2) To possess or use any firearm, bow and arrow, or any other weapon, trap, snare, poison, or any device designed to take, capture, or kill wildlife;
- (3) To discharge any weapon on or into a wildlife sanctuary;
- (4) To possess any explosives or fireworks;
- (5) To introduce any form of plant or animal life;
- (6) To start or maintain a fire;
- (7) To camp or erect any structure;
- (8) To enter into any area posted "No Trespassing Area";
- (9) To remove, damage, or disturb any notice, sign, marker, fence, or structure;
- (10) To dump, drain, or leave any litter, toxic material, or other waste material except in trash receptacles or areas designated for the deposit of refuse;
- (11) To enter or remain upon any surface water area;
- (12) To park, land, or operate any air, water, or land vehicle except on roads and in areas designated for such use.

(b) The following exceptions apply to the above prohibitions:

- (1) Game birds and game mammals may be hunted within the Kipuka Ainahou Nene Sanctuary as authorized by the board or its authorized representative pursuant to chapters 122 and 123, Administrative Rules.
- (2) Passage on horseback or by foot is permitted on the Puu Oo-Volcano Trail within the Kipuka Ainahou Nene Sanctuary.
- (3) Animal pets may be transported under constraint in vehicles on roads designated for vehicular use. Any

animal, such as a dog or a cat, found roaming and loose in a sanctuary may be destroyed or impounded.

- (4) Officials and employees of the U.S. Navy and U.S. Coast Guard may operate land vehicles and aircraft and may erect structures in designated areas on Green Island (Kure Atoll) for the purposes of conducting official government duties. [Eff. SEP 28 1981] (Auth: HRS §§183-2, 191-22, 195D-3, 195D-6) (Imp: HRS §§183-2, 191-22, 195D-3, 195D-4, 195D-5, 195D-6)

§13-125-5 Prohibited entry. (a) It is prohibited for any person to land upon, enter or attempt to enter, or remain in the following areas except as authorized by the board or its authorized representative:

- (1) Moku Manu;
- (2) Manana Island;
- (3) Mokuhooniki;
- (4) Green Island (Kure Atoll);
- (5) Sand Island (Kure Atoll); and
- (6) Kipuka Ainahou Nene Sanctuary, during the months of November, December, January and February, except as provided in section 13-125-4(b).

b) Officials and employees of the U.S. Navy and Coast Guard may land upon, enter, or remain on Green Island (Kure Atoll) in designated areas for the purposes of conducting official government duties. Eff. SEP 28 1981] (Auth: HRS §§183-2, 191-22, 195D-3, 195D-6) (Imp: HRS §§183-2, 191-22, 195D-3, 195D-4, 195D-5, 195D-6)

§13-125-6 Permits. (a) The board or its authorized representative may issue permits for exceptions to the prohibitions listed in sections 13-125-4 and 13-125-5.

(b) Permits to enter or land upon the areas named in section 13-125-5 may be issued only for scientific, educational, or conservation purposes.

(c) All applications for permits shall be

submitted in writing to the board or its authorized representative and shall include the applicant's reasons and purposes.

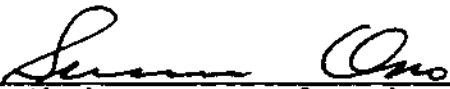
(d) Permits shall specify any terms and conditions deemed necessary for the conservation, management, and protection of indigenous wildlife and wildlife habitats.

(e) The board or its authorized representative may cancel any permit for any infraction of the terms and conditions of the permit. [Eff. SEP 28 1931 (Auth: HRS §§183-2, 191-22, 195D-3, 195D-6) (Imp: HRS §§183-2, 187-4, 191-22, 195D-3, 195D-4, 195D-5, 195D-6)]

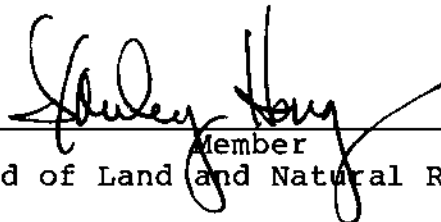
§13-125-7 Penalty. Any person violating any of the provisions of these rules shall be penalized accordingly as provided in sections 187-16, 187-20, 191-23, 195D-8, 195D-9, Hawaii Revised Statutes. [Eff- SEP 28 1981] (Auth: HRS §§183-2, 191-22, 195D-3, 195D-6)(Imp: HRS §§187-16, 187-20, 191-23, 195D-8, 195D-9)

The Amendments to Title 13, Administrative Rules, shown on the Summary Page entitled "Rules Repealing the Department of Land and Natural Resources, Division of Fish and Game, Rules Pertaining to Wildlife Sanctuaries and Adopting Chapter 125 of Title 13, Administrative Rules" and dated May 29, 1981 were adopted on May 29, 1981 by the Board of Land and Natural Resources following public hearings held in Honolulu, Oahu on April 29, 1981; Kahului, Maui on April 30, 1981; Hilo, Hawaii on May 1, 1981; Lanai City, Lanai on May 4, 1981; Kaunakakai, Molokai on May 5, 1981; and Lihue, Kauai on May 6, 1981 after public notice was given in The Honolulu Star-Bulletin and The Hawaii Tribune-Herald on April 9, 1981 and in The Maui News and The Garden Island on April 10, 1981.

These rules shall take effect ten days after filing with the Office of the Lieutenant Governor.



Chairperson and Member
Board of Land and Natural Resources



Member
Board of Land and Natural Resources

APPROVED AS TO FORM:



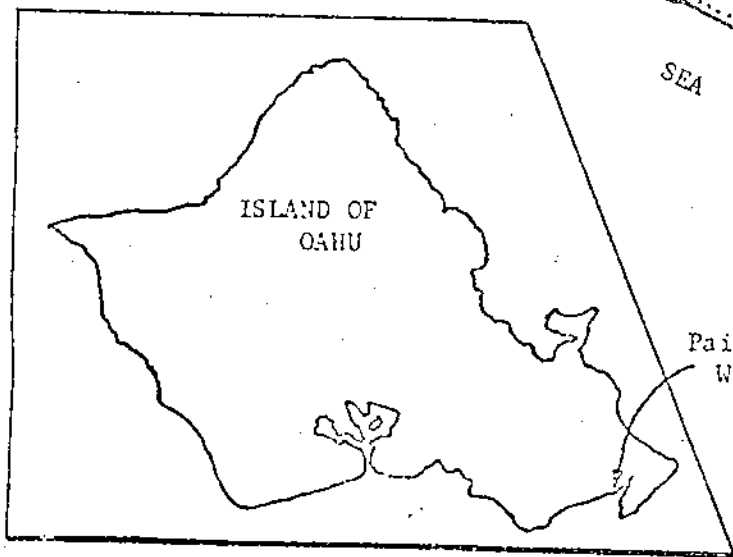
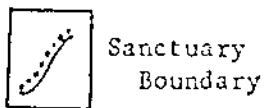
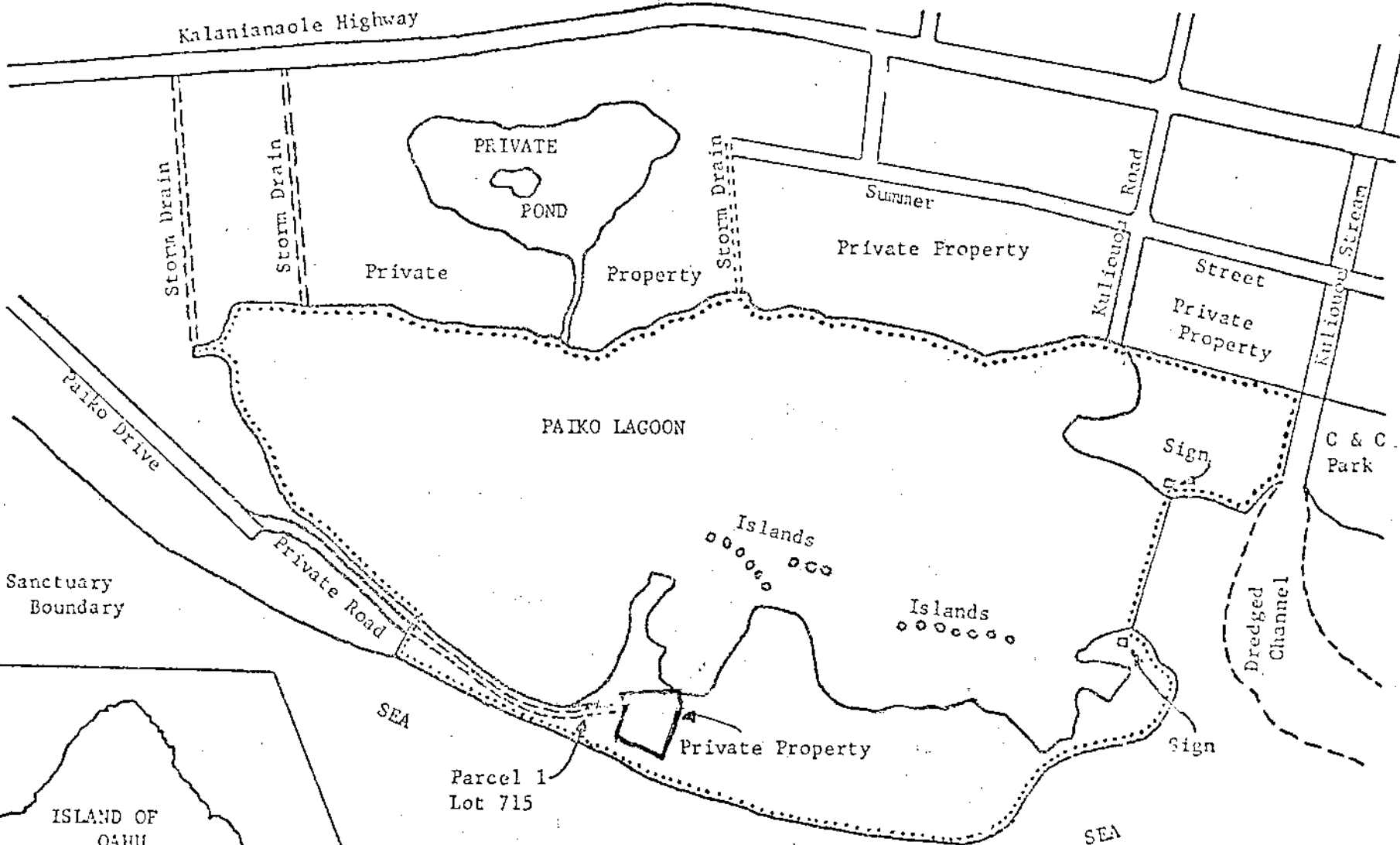
Deputy Attorney General



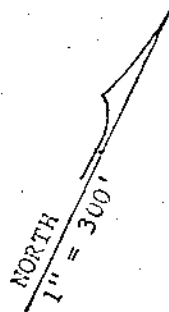
Governor

Date Filed

18-10-81

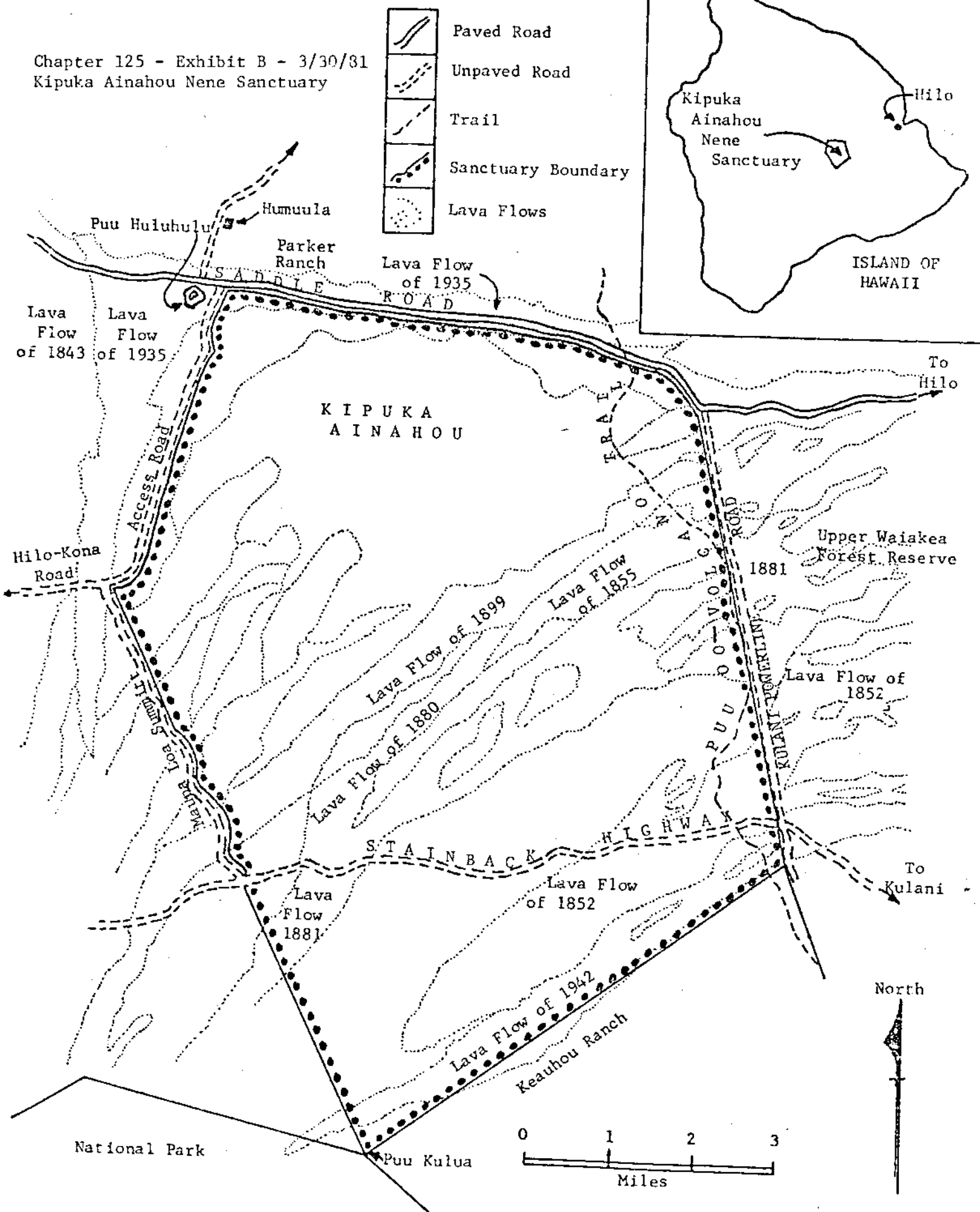


Paiko Lagoon
Wildlife Sanctuary

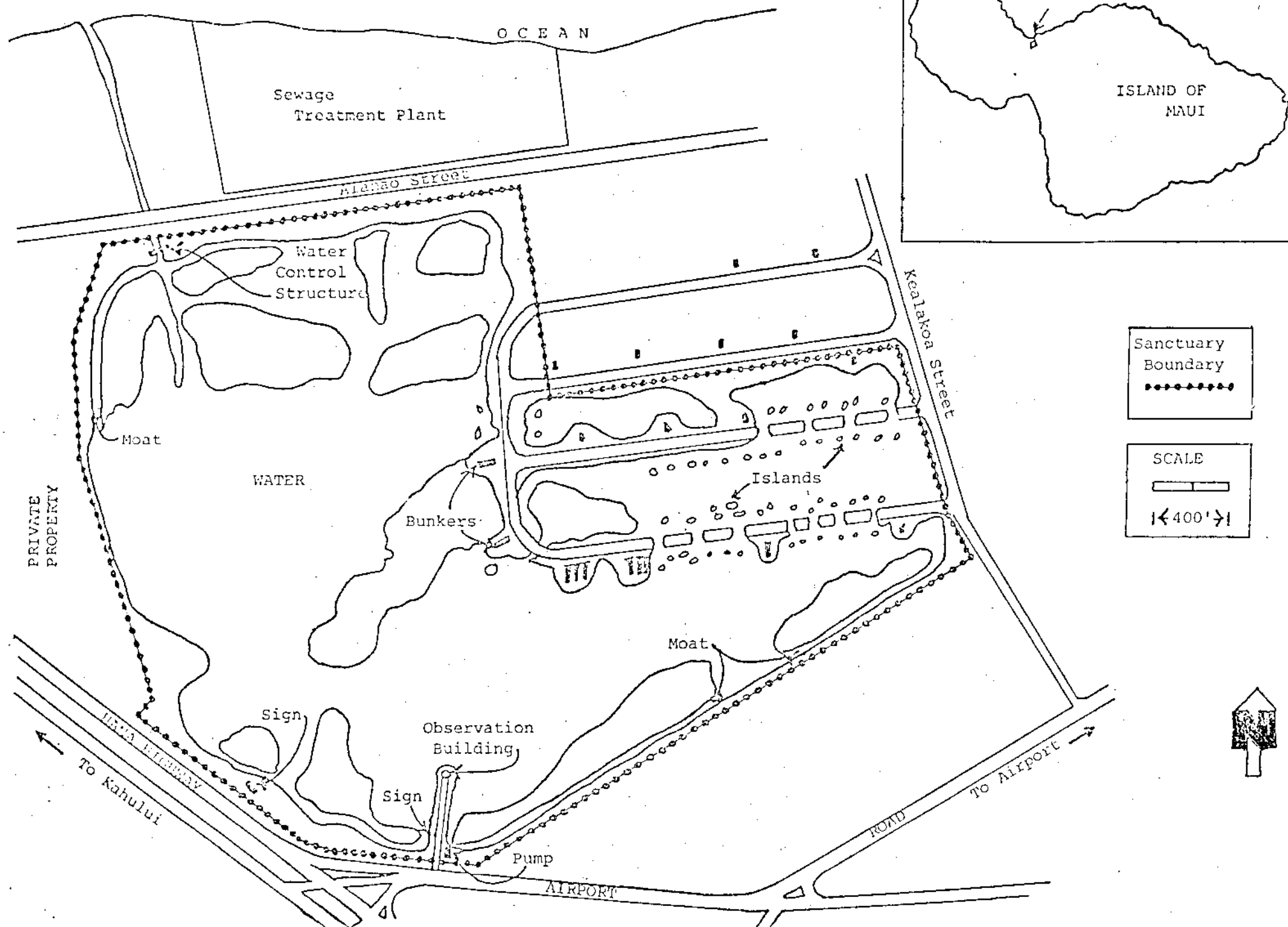


Chapter 125 - Exhibit A - 3/30/81
PAIKO LAGOON
WILDLIFE SANCTUARY

Chapter 125 - Exhibit B - 3/30/81
Kipuka Ainahou Nene Sanctuary



Chapter 125 - Exhibit C - 3/30/81
Kahana Pond Wildlife Sanctuary



Chapter 125, Appendix 1, 3/30/81

1. The Paiko Lagoon Wildlife Sanctuary shall consist of and include all of the state owned land areas adjacent to Paiko Lagoon and water areas within Paiko Lagoon, Kuliouou, Oahu, (approximately 33 acres) as delineated on the map referenced as "Chapter 125, Exhibit A, 3/30/81".

2. The Kipuka Ainahou Nene Sanctuary shall consist of and include all of the state owned lands as delineated on the map, referenced as "Chapter 12S, Exhibit B, 3/30/81", and herein described consisting of approximately 38,400 acres. The boundary extends from the junction of the Mauna Loa access road and the Saddle Road in an easterly direction along the Saddle Road to the junction of the powerline maintenance road, thence in a southerly direction along the powerline maintenance road to the boundary of the privately-owned lands of Keauhou, thence southwesterly along said boundary to Puu Kulua, thence on an azimuth measured clockwise from true north to 334 degrees for three and six-tenths miles to the junction of the Mauna Loa summit access road and the road from the Kulani project (Stainback Highway), thence in a northerly direction along the Mauna Loa summit access road to the Saddle Road.

3. The Kanaha Pond Wildlife Sanctuary shall consist of and include all surface water areas within Kanaha Pond and the state owned lands adjacent to Kanaha Pond (consisting of approximately 143 acres) as delineated on the map referenced as "Chapter 125, Exhibit C, 3/30/81".

4. The Hawaii State Seabird Sanctuary shall consist of and include the following listed State-owned or controlled islands, islets, and rocks and whose locations are noted below:

<u>Name of Island</u>	<u>Location</u>
Mokupuku	Off Awini, North Kohala, Hawaii
Paokalani Island	Off Awini, North Kohala, Hawaii
Keaoi	Off Halape, Kapapala, Kau, Hawaii

Alau Island
Puuku Island

Off Haneoo, Hana, Maui
Off Kauiki Head, Hana, Maui

Chapter 125, Appendix 1, 3/30/81 (cont.)

<u>Name of-Island</u>	<u>Location</u>
Keopuka Rock	Off Moiki Pt., Honomanu, Hana, Maui
Moku Mana	Off Pauwalu Pt., Keanae, Hana, Maui
Moku Hale	Off Pauwalu Pt., Keanae, Hana Maui
Papanui O Kane	Off Opana Pt., Opana, Makawao, Maui
Mokeehia Island	Off Hakuhee Pt., Kahakuloa, Wailuku, Maui
Hulu Island	Off Waihee, Wailuku, Maui
Molokini	Off Puu Olai, Makena, Makawao, Maui
Mokuhooniki	Off Moakea, Molokai
Kanaha Rock	Off Moakea, Molokai
Mokapa Island	Off Waikolu, Kalawao, Molokai
Okala Island	Off Waikolu, Kalawao, Molokai
Huelo	Off Waikolu, Kalawao, Molokai
Mokumanu	Off Pelekunu, Molokai
Puupehe	Between Hulopoe Bay and Manele Bay, Lanai
Poopoo	Off Huawai Bay, Lanai
Moku Naio	North of Kaunolu Bay, Lanai
Nanahoa Islets	North of Honopu Bay, Lanai (three islets)
Mokuaeae	Off Kilauea Pt., Kilauea, Hanalei, Kauai
Lehua Island	Off Puu Kole Pt., Niihau, Waimea, Kauai
Kaula Island	Off southwest Niihau, Waimea, Kauai
Kihewamoku Island	Off Makaloa Pt., Kahuku, Koolauloa, Oahu
Mokuauia Island	Off Kalanai Pt., Laie, Koolauloa, Oahu
Pulemoku Rock	Off Laie Bay, Laie, Koolauloa, Oahu
Kukuihoolua Islet	Off Laie Pt., Laie, Koolauloa, Oahu


Mokualai Islet Off Laie Pt., Laie, Koolauloa,
Oahu

Chapter 125, Appendix 1, 3/30/81 (cont.)

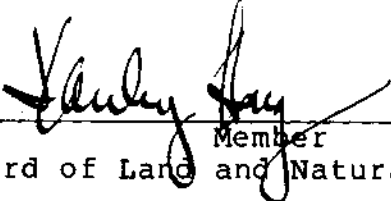
<u>Name of Island</u>	<u>Location</u>
Kekepa Island	Off Palikilo, Heeia, Kaneohe Bay, Oahu
Moku Manu	Off Kahekili Leap, Mokapu Pt., Koolaupoko, Oahu
Mokulea Rock	Off Oneawa, Kailua Bay, Koolaupoko, Oahu
Popoia Island	Off Kailua Beach, Kailua Bay, Koolaupoko, Oahu
Mokulua Islands (two islands)	Off Lanikai, Kailua, Koolaupoko, Oahu
Manana Island	Off Waimanalo, Waimanalo Bay, Koolaupoko, Oahu
Kaohikaipu Island	Off Waimanalo, Waimanalo Bay, Koolaupoko, Oahu
Green Island, Kure Atoll	28 degrees, 25' N Lat. 178 degrees 20' W Long.
Sand Island, Kure Atoll	28 degrees 25' N Lat. 178 degrees 20' W Long.

Appendix 1, Chapter 125 of Title 13, Administrative Rules, shown on the Summary Page entitled "Adopting Appendix 1, Chapter 125 of Title 13, Administrative Rules" and dated November 16, 1981 was adopted on May 29, 1981 by the Board of Land and Natural Resources following public hearings held in Honolulu, Oahu on April 29, 1981; Kahului, Maui on April 30, 1981; Hilo, Hawaii on May 1, 1981; Lanai City, Lanai on May 4, 1981; Kaunakakai, Molokai on May 5, 1981; and Lihue, Kauai on May 6, 1981 after public notice was given in The Honolulu Star-Bulletin and The Hawaii Tribune-Herald on April 9, 1981 and in The Maui News and The Garden Island on April 10, 1981.

This Appendix of Chapter 125 shall take effect ten days after filing with the Office of the Lieutenant Governor.




Chairperson and Member
Board of Land and Natural Resources



Member
Board of Land and Natural Resources

APPROVED AS TO FORM:



Deputy Attorney General



Governor

Date Filed